

Application No. 09/438,247  
Response dated August 8, 2006  
Reply to Office Action of June 1, 2006

## **REMARKS**

### **Status Of Application**

Claims 1-16 are pending in the application; the status of the claims is as follows:

Claims 1-5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,692,210 to Mita et al ("Mita et al") in view of U.S. Patent No. 6,340,973 B1 to Ochiai et al ("Ochiai et al").

Claims 6-16 are allowed.

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **35 U.S.C. § 103(a) Rejection**

The rejection of claims 1-5 under 35 U.S.C. § 103(a), as being unpatentable over Mita et al in view of Ochiai et al, is respectfully traversed based on the following.

The present application claims priority to Japanese application 10-323315, filed November 13, 1998. A certified copy of the priority application is already of record in the present application. A verified translation of the priority document is filed herewith.

The November 13, 1998 priority date of the present application antedates the February 4, 1999 filing date of Ochiaci et al. Accordingly, Ochiaci et al is not available as a reference against claims 1-5 of the present application.

Accordingly, it is respectfully requested that the rejection of claims 1-5 under 35 U.S.C. § 103(a) as being unpatentable over Mita et al in view of Ochiai et al, be reconsidered and withdrawn.

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### **CONCLUSION**

Wherefore, in view of the foregoing remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Amendment does not increase the number of independent claims, does not increase the total number of claims, and does not present any multiple dependency claims. Accordingly, no fee based on the number or type of claims is currently due. However, if a fee, other than the issue fee, is due, please charge this fee to Sidley Austin LLP Deposit Account No. 18-1260.

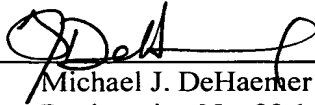
If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee,

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and not submitted herewith should be charged to Sidley Austin LLP Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

By:   
Michael J. DeHaemer  
Registration No. 39,164  
Attorney for Applicants

MJD/llb:jkk  
SIDLEY AUSTIN LLP  
717 N. Harwood, Suite 3400  
Dallas, Texas 75201  
Direct: (214) 981-3335  
Main: (214) 981-3300  
Facsimile: (214) 981-3400  
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